

ORIGINAL

1 Raynell Carmichael, D-25366
2 San Quentin State Prison-2N-1-L
San quentin, CA. 94974

3 In Propria Persona

5 IN THE UNITED STATE DISTRICT COUNT

6 FOR THE NORTHEN DISTRICT OF CALIFORNIA

8 Raynell Carmichael

CASE NO: CV 07 5622 CW

9 PLAINTIFF,

DECLARATION IN SUPPORT OF

10 PLAINEIFF'S SERIOUS IN ADQUATE

11 VS.

MEDICAL TREATMENT CONTINUES

13 Robert Ayers, et .al.,

14 DEFENDANTS,

15

16 I, RAYNELL CARMICHAEL HERE BY DECLARE AND STATE AS FOLLOWS:

17

18 1. I am the Plaintiff in this above action and have been
19 proceeding as a pro se litigant while confined to state prison, as
20 such I am readily familiar with the documents and statements that
21 are attached to this declaration and know that they are a true and
22 correct, copy of what they support to be. "upon information and belief.

23

24 2. On October 30, 2007, I submitted my complaint to the Federal
25 court in the Northern district, which was received and filed on
26 Noverember 6, 2007,

27

28

1 3. This is to bring the court up to date as to many other denials,
2 delays, and obstructions. To treat and to care for all my serious
3 medical needs which San Quentin medical staff continuest to
4 demonstrate a deiberate indifference.

5

6 4. A 602-Appeal was submitted on September 26, 2007, Log No
7 #SQ-08-020 against LVN-Carmen Hederson, VN-2007-1884, for denying me
8 pain medication Ms Contin 60mgs-Morphine, for a very serious chronic
9 Bone disease.Paget's, Vitamin D-deficiency is a Bone disease as well
10 as Osteoarthritis DJD-degenerative joint disease. which is a staff
11 complaint 832.5 a complaint was also filed with LVN-licinsing Board
12 of Vocational Nursing and Psychiatric Technicians. Due to San Quentin
13 failure to take disciplinary action against LVN-Henderson. I have
14 now request damages for violating the regualation that are in effect,
15 and being with out Medication for over 35-Hours.

16

17 5. A 602-Appeal was filed on September 28,2007, Log#SQ 08 0275.
18 This is against the Pharmacy for their failure to refill Medication
19 in a timely matter, and incomplete partial Bulk self medication
20 deliveries, Lipitor-ATORVASTATIN-4x20mgs=80mgs REMEMBER this because
21 base upon information and belief" The Pharmacy is partially to blame
22 for my acute Kidney failure.

23

24 6. On September 27, 2007, This is the beginning of some new
25 medical problems, also on sept 28-29,2007, This completed Story is in
26 detail with in an letter I sent to the Federal Receiver Robert Sillen
27 and Mr. John Hanger-Special Master. December 9, 2007, Exhibit-1

28

1 7. On October 8, 2007, I had acute kidney failure. I was taken
2 to Marin General Hospital. I was release on October 13, 2007,
3

4 8. On October 15, 2007, I was seen by Dr.V.Rand, MD she told me
5 that she has heard from Dr. O'conner,-Endocrinologist at Doctor's
6 Medical center. He took the medical Records that I sent him December
7 24,2007, He took the medical records that I sent him, He showed them
8 to his colleague and friend who is a Bone Metabolism Expert who
9 work at UCSF who help to determine the type of metabolic bone disease
10 I have. they have requested MRI-CT-Bone scan & X-rays etc. there was
11 a request for me to be seen by a Metabolism specialise every since
12 April 26,2007, as of this date May 2008, I still have never seen one
13 I feel if I had been seen by one they could have Help us figure out
14 I have Paget's bone diseas. now a year ago by Nelson Madrilejo,MD
15 at Centennia Medical Group. the same holds true with Rheumatologist
16 Specialist May 25, 2007, I still have never been seen by one either.
17 see Exhibit 1-letter from Charles Carbone Attorney to Dr. Rene Kanan,
18 MD. CMO at SQSP & Robert Sillem Federal Receiver's
19

20 9. On October 18, 2007, I sent a letter to Doctor's Medical center
21 Hospital in san pablo, CA. to Dr. O'Connor,MD-Endocrinologist. The
22 reason being is that San Quentin failure to send enought back ground
23 Info of my symptoms. diagnosis, Treatment cause and Prognosis. I
24 Informed Dr.O'Connor that I need some one to help because I've been
25 with this condition for the past 4-years untreated, and no one knows
26 the cause, and my condition is worsing Dr. O'Connor and I came to
27 agreement ,and I would send him photo copies of my medical recoreds
28 to help him better under stand my condition "See EXhibit 3&4,letters

1 dated October 18, 2007, & November 6, 2007,

2
3 10, the same holds true with never being seen by an Rheumatiology
4 That request was first made May 25, 2007, 11-monts ago. this May 25,
5 2008, will be a hold year.

6
7 11, November 2, 2007, I was seen by Dr.O'connor MD-endocrinologist
8 while there, I ask him did he receive all the information I sent. He
9 said No. I told him the address that I used, He gave me a new address
10 to send all info.

11
12 12. On November 6, 2007, I sent another letter to Dr. O'Connor
13 with more Info. I also spoke with Dr Shavit who told me that she is
14 still trying to set up appointment with a Bone Metabolism Specialist.
15 This has been going on for over 6-monts now.

16
17 13. on December 24, 2007, I sent another letter to Dr. Connor
18 along with the MRI & CT-bone scan X-rays and Blood Test. Dr. RAND
19 told me that he wouldn't be back in your office untill January 7,08,
20 I wanted all the Info to be there when he got back after the Holidays
21 and he can share it with Dr. Schobock from UCSF the Bone Metabolism
22 Expert.

23
24 14, On December 30, 2007, I filed a 602 agaist Dr. Victoria RAND,
25 for unprofessional Conduct, Breach of Confidence Fale & Misleading
26 Statements. the reason for this is with in appeal Log No.#SQ-08-0545,
27 Dated submitted December 30, 2007, Dr. RAND made many unusual comments
28 which made me suspicious, when I ask Dr. RAND what was the cause of

1 my kidney failure. Dr. Rand, responded back by saying that I cause it,
 2 and she said this on a few occasion. so I requested copies of my
 3 medical records. What I found out was shocking, Dr. Rand made in
 4 accurate statements in her SOAPE NOTE, Which are lies she told me that
 5 the Doctors at Marin General Hospital said the same thing, so I start
 6 asking other medical staff question, they would only asnwer me if I
 7 would promise not to use their names!, base on information and belief
 8 when Dr. Rand learn and saw that I handn't had any Lipitor 80mgs the
 9 Maximun amount for 30-days Dr.Rand should had advise me to start
 10 taking 20mgs once a week untill I reach 80mgs again. plus the FACT
 11 that the Pharmacy was to blame as well for its faliure to send out
 12 the Lipitor 80mgs with in a timely matter.

13
 14 15, January 11,2008, Dr. Shavit,MD from UCSF, is a Consultant.
 15 who works here at san quentin, she came to inform me as to Dr.O'Connor
 16 MD.-Endocrinologist from Doctor's Medical Center, and Dr. Schobock,MD
 17 a Bone Metabolism Expert at UCSF. Dr. Shavit told me they said they
 18 still don't know the type of or cause of my Bone Disease.

19
 20 16, On January 18, 2008, I was seen by Dr. V.Rand, she now tells
 21 me that she spoke with Dr.O'Connor and he told her that he & Dr.
 22 Schobock at UCSF they requested the film of the MRI & CT-Bone Scan
 23 once they received it they had a Bone Radiology at UCSF, he review
 24 them, and made the diagnosis and Dr O'Connor & Dr. Schoback agreed
 25 that. and Dr. O'connor & Dr. Schobock determine that I have Paget's
 26 Disease of Bone, and that Fosamax. Medication is the treatment. Plus
 27 500mgs of Cakcium 2xaday. That is what Dr. Rand is going to order
 28 and prescribe this medication and get me some Info about Paget's

1 17, On February 5, 2008, I was seen by an GI-stomach at Doctor's
2 Medical center-Hospital. I had been waiting ,months. I also
3 received the medication Fosamax to start taking. But I haven't
4 received Info that Dr. Rand promise me.

5

6 18, On February 6, 2008, I sent a request for Interview to
7 Dr. Rand, requesting the Instruction for the Fosamax to start taking,
8 Plus I still haven't received any calcium.

9

10 19, On February 8, 2008, RN-Alex gave me some Info From "Mayclinic
11 .com" Paget's disease of bone. On Feb 9, 2008, I started taking the
12 Fosamax, because I had received the calcium.

13

14 20, On February 22, 2008, I went to the Medical office in North
15 Block to show LVN-Stacy & LVN-Magnolia that both of my toes, Feet,
16 Legs are swollen that they are about to blust. This is a shame due to
17 the FACT that I had been telling and showing Dr. Rand each time I
18 seen her after I left the Hospital on October 13, 2007, that each
19 Month it continues to worsen. I also learn that my Doctor's
20 appointment was change from Feb 20, 2008, for unknown reasons. I am
21 a High Risk & chronic care patient. I should be seen once a week to
22 one month-90-days. the computer shows the Next visit is March 13,08,
23 But LVN Magnolia had it changed to Febrary 27,2008,

24

25 21, on Febrary 27, 2008, I confronted Dr. Rand about her false
26 and Misleading statements that she wrote in her SOAP NOTE-dated
27 October 2, 15, 25, 2007, & Noveber 27, 2007, she lied about all that
28 we had talk about and she wrote. I never at any time told Dr. RAND

1 I was or have ever taken my cellmates Motrin, and I never use the Word
2 Motrin at any time. talking to Dr.Rand, once again this is all outline
3 in 602-appeal Log#SQ-08-0545, staff Complaint 832.5 as well as a
4 complaint to the Medical Board.

5

6 22, On March 1, 2008, I received the long over due water pills-
7 HYDROGHOTHAZIDE-it took 5-Months, I also received ZETIA 20mgs for
8 CHOLESTEROL as you see Dr. RAND didn't start me off with 80mgs of
9 ZETIA. but she new she was wrong when she had Fullknowledga!. that
10 I had been with out of Lipitor 80mgs for over 30-days.

11

12 23, On March 11, 2008, I sent another letter to Dr. O'Connor,MD
13 Endocrinologist, a up date.

14

15 24,On March 21, 2008, I went to Doctor's Medical Center to see
16 Dr. O'Connor,MD. Endocrinologists But was unable to see the Doctor;
17 it was due to San Quentin forgot to Fax A Schedule appintment for
18 this day.

19

20 25, On March 27,2008, I was seen by Dr. Rand, she rewrote Doctor's
21 order for difference consultation Dr. Papp's an Orthopedic Surgenos,
22 for back injection due to the Fact that the Bone disease which I've
23 lost 2" inches in my Spine, dic L4 & L5-is pinching the Sciatica nerve
24 Radiating chronic pain down in my Lower back into left Leg, other
25 request was made because the treatment was Never done in the past.

26 Dr. Pappas, MD First requested by Dr. Rand,MD, December 21,2007,
27 I seen him on January 25,2008, as of May 16,2008, Not treatment has
28 been done.

26, On April 6, 2008, I sent a letter to the New appointed Federal
 Receiver For an investigation "See Letter"

27, On April 7, 2008, I was seen by the Pain Management Team from
 UCSF-Hospital to help me deal with my Chronic pain, due to the FACT
 that there is No Cure for the Paget's Bone Disease, and the damage
 done is irreversible. I also have superimposed Osteoarthritis plus
 Osteomalacia-Vitamin-D-deficiency which is also a Bone disease. so
 I've 3-difference types of bones diseases two with No Cure!!!?

28, On April 11, 2008, I went to Doctor's Hospital. San Quentin
 Scheduler was in error when it made the 9:00 am appointment to be
 seen by Dr. O'connor, MD when in Fact, It was suppose to have been at
 8:00 am. We didn't arrive at the hospital untill 8:45 am, it only
 gave Dr. O'Connor only 15-minutes to see 4-other inmates, only 3 of
 us was seen , Dr. O'Connor didn't have much time to talk to me! I
 had ask him which Doctor was the one who diagnose me with the paget's
 bone disease. He told me that he could not tell me the name due to
 the fact that the Doctor was not being paid. but it was a Bone
 Radiology !? A Friend of his & Dr. Schobock & his. Dr. O'Connor is
 requesting San Quentin to send the X-Ray film to him so that he
 could take it over to UCSF, and have the Bone Radiology check it out
 more, to figure out the start & cause of Paget's bone disease. They
 believe that it was a Virus in my bone.

29, On April 30, 2008, I was seen by Dr. Rand, she renewd my Blood
 pressure med's CARVEDILOL, it STOP on april 22,2008, I've been out
 9-days B/P 166/76 Dr. Rand refuse to write another order to be seen
 8.

1 by a Rheunatologist. I am still complaining about by right Knee which
 2 is grinding bone to bone. Dr. Rand told me NO! and that she would
 3 have to ask Dr. O'Connor it would depend on him what he says. Dr.Rand

4 Okay the ADA-Americans with disibilities ACT. shower chrono due to

5 the fact that I can not stand to complete my shower due to pain in

6 my lower Back and right knee. I am unable to lift my right leg, due

7 to stiffness and pain, during this vist I seen a Blood Test results

8 and it was showing the Alkaline Phosphatase numbers was coming down

9 But, I only seen this when Dr.Rand was turning the pages. Dr.Rand

10 wasn't forthcoming in showing me this . Dr.Rand is being coming just

11 like the Bad Doctor's that had in the past here.and inmates was

12 recieving in adequate medical treatment. by not sharing all the info

13 with the patients. I dont trust These Doctor's PARTICULARITY after

14 all what I have been through and continue to go through. suffering

15 with permanent irreversible damage. Their is another problem? that is

16 not doing a full panel of the Alkaline Phoshatase Blood Test,

17 including Bone ISO and Alkaline ISO, Dr. Rand told me once again she

18 would have to ask Dr.O'Connor O'yes Dr.Rand okay Leg Stocking due to

19 Leg swelling up "See Dr. Rand answer"Letter Dated May 5, 2008,

20

21 30, May 2,2008, I received Blood pressure med's CARVEDILOL, the

22 Lable said it started on April 30,2008, it took two days to get it

23 still a problem with the Pharmacy.

24

25 31, 2008, On May 14,2008, I was seen by the dietician Ms.CORA,

26 she was giving me a 1520-Calories diet, This is due to the Fact I am

27 unable to Exercise, and that to prevent any Fractures due to the

28 3-difference typeys of Bones disease I have.

This declaration is to describe and express what I have been and
2 continue to go through here at San Quentin State Prison. I am sending
3 and stating a few examples while here that I continue to try and get
4 adequate medical treatment. I have made many repeated efforts to
5 obtain it. I believe as far back at High desert state Prison. when
6 I was first exaime in 2004, by an **orthopedic Surgeon** Dr. J. Rohlfing
7 MD: that was incompetence along with all the other Doctors that I
8 had been seen by. They provided in adequate medication treatment and
9 deliberated indifference to my serious medical needs. I believe their
10 has been intentional delays, inproviding medical treatment, which
11 shows deliberate disregard. If a reasonable medical person would know
12 that the inmate would start showing signs of physical and mental
13 distress over a period of time. I feel that all the Doctors who did
14 nothing should be held accountable for there deliberately indifferent
15 for all the years that nothing was done.and even the Doctors once
16 specific testing was requested. But, Fail to follow thr referral.
17 I needed and need a Expert and didn't get it. Now all the Doctors
18 and medical staff who seen the blood test, with the elvated Alkaline
19 Phosphatase and did nothing violated this plainffsconstitutional
20 Rights. I have contacted the Paget's Foundation, for paget's disease
21 of bone. I have read all the information, that was sent and I am
22 even on their mailing list to recieve there Newsletter, with all the
23 updates of info on Paget's disease, as well as other related
24 disorders while I try to explain that Info to Dr.Rand she refues to
25 listen. I feel that I can no longer trust Dr.O'Connor due to the
26 Fact he as change in his response to me his answers are short now.
27 The court should know that I am depending on the court to make a
28 stand on my behalf. I am very tried in dealing with my medical issues

I have to fight with these Doctor's in just trying to get them to listen and believe what I am saying. I am sending documents and "MISCELLANEOUS-EXHIBITS" Once again all my request and efforts to obtain adequate medical care and treatment are outlined with in these numerous letters Attached hereto.

32, On May 1,2008, I made a request for copies of my medical records. I received them on May 22,2008, The reason for this request as I stated with in this declaration.

33, On January,25,2008, I was seen by Dr. Pappas NEURSURGERY he recommend a epidural steroid injection. He recommend a MRI of the Cervical spine,reason being pinch nerve at the C6-C7 causing numbness tingling in both hands fingers 1,2,& Tumbs, he also recommend that I be seen by Dr. Matan or Dr. Lyon, due to Righ knee pain, swelling, stiffness, popping, Cracking, bone to bone grinding.

34,On Febuary 27,2008, I was seen by Dr. Victoria RAND,MD in here SOAPE NOTE, Info about Dr. Pappas is writen, but she never told me any thing he said. I also notice that she is none using the words Motrin/ibuprofen. Please remember this bacause Dr. V. RAND, made FALSE and Misleading statements with in here notes and with in a 602 appeal stating I was taking my cellmates ibuprofen, which is a Lie. PROBLEM LIST #2. The reason for the damand, was on Febuary 22,2008, I went to the North Block Medical office to show Dr. V. RAND assistance LVN Magnolia and Stacy to show them that they can see for their self,how I am swelling at my Toes, foot, legs are to prove that I needed to be on Hydrochlorothiazide, I had been asking every month.

35, On March 27, 2008, Dr. Victoria RAND, SOPE NOTE, shows only what
she wants to write in her notes. she doesn't write the truth. or what
I had requested.

36, On April 7, 2008, I was seen by the pain Management Team.
They wrote what I told them about my problems. Dr. RAND dissmiss what
I request for treatment.

37, On April 11, 2008, I seen Dr. O'Connor, at Doctor's Medical
Center. Dr. RAND would not tell me or show me what Dr.O'Connor had
said.

38. On April 16, 2008, I had a Blood Test as you can see the
elevated Alkaline Phosphatase out of rang# 179-H has come down from
305, This shows that the Fosamax Medication for the bones is working
once again Dr. Rand will not show or tell me this Info. I had to
request copies of my medical Records to find out.

39. The Medical Records List will show what has happen to me
concerning the bone disease for all the years that I went untreated,
as well as not knowing. will continue to happen again due to the
Facts that the Doctors dont show the inmates patients there results.
it is hard to Trust the Doctors with in the prison.

40, I believe that an medical Expert would be able to point out
many other problems that has happend to me.

Pursuant to 28 U.S.C. section 1746, I declare under penalty of perjury
that the foregoing is true and correct.

Respectfully Submitted this 31 day of May 2008,

/s/ *Raynell Carmichael*
Raynell Carmichael, D-25366
San Quentin State Prison-2N1-1
San Quentin, CA. 94974